



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/027,224

12/20/2001

Susanne Marie Crockett

8285/461

9046

83808 7590 08/17/2009
AT & T Legal Department - BHGL
Attn: Patent Docketing Room 2A-207
One AT&T Way
Bedminster, NJ 07921

EXAMINER

LE, KAREN L

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

08/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SUSANNE MARIE CROCKETT, JOHN WESLEY
MOSS, NANCY ANN BOOK, CAROL SHIFRIN
GRUCHALA, DIANNA INARA TILIKS,
and PAUL H. VLASEK

Appeal 2009-002,247
Application 10/027,224
Technology Center 2600

Decided: August 17, 2009

Before ROBERT E. NAPPI, JOHN A. JEFFERY and
MARC S. HOFF, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the rejection of claims 1, 4-11, 14-21, and 23-24.¹ We have jurisdiction under 35 U.S.C. § 6(b).

We affirm the Examiner's rejection of these claims.

INVENTION

The invention is directed to a system and method for providing a first announcement to authorized calling parties and a second announcement to unauthorized calling parties. *See generally* Specification 1-7. Claim 1 is representative of the invention and reproduced below:

1. A method for providing an announcement to a calling party when the calling party calls a disconnected telephone number of a called party, the method comprising:
 - determining a telephone number of a calling party that attempts to call a disconnected telephone number of the called party;
 - determining, in accordance with at least a portion of the telephone number of the calling party, whether the calling party is authorized to receive a first announcement;
 - providing the first announcement to the calling party if the calling party is authorized by the called party to receive the first announcement, wherein the first announcement comprises a forwarding number of the called party; and

¹ Claims 3 and 13 were cancelled in an Amendment after Non-Final filed April 19, 2004. Claims 2 and 12 were cancelled in an Amendment after Non-Final filed December 27, 2005. Claim 22 was previously cancelled as indicated in the Pre-Appeal Brief Conference Request filed February 15, 2007.

providing an alternate announcement if the calling party is not authorized by the called party to receive the first announcement.

REFERENCES

Rubin	US 5,832,061	Nov. 3, 1998
Dans	US 6,195,417 B1	Feb. 27, 2001
Kim	US 6,584,188 B2	Jun. 24, 2003 (filed Apr. 2, 2001)
Gilbert	US 6,795,530 B1	Sep. 21, 2004 (filed Jun. 29, 2000)

REJECTIONS AT ISSUE

The Examiner rejected claims 1, 4-9, 11, 14-19, 21, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Rubin in view of Gilbert.² Ans. 3-6.

The Examiner rejected claims 10 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Rubin in view of Gilbert and Kim. Ans. 6.

The Examiner rejected claims 1, 4-11, 14-21, 23, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Dans in view of Gilbert. Ans. 7-9.

² We note that both Appellants and the Examiner made a typographical error when including claims 10 and 20 under the rejection over Rubin in view of Gilbert. Therefore, we have removed claims 10 and 20 from the statement of rejection and will address them in the rejection of Rubin in view of Gilbert and Kim and subsequently in the rejection of Dans in view of Gilbert.

ISSUE

*Rejection of claims 1, 4-9, 11, 14-19, 21, and 24 under 35 U.S.C. § 103(a)
as unpatentable over Rubin in view of Gilbert*

Claims 1 and 4-9

Appellants argue on pages 4-7 of the Appeal Brief and pages 2-4 of the Reply Brief that the Examiner's rejection of independent claim 1 is in error and therefore the rejection of dependent claims 4-9 is also in error. Appellants argue that neither Rubin nor Gilbert disclose determining an authorized number and providing a first announcement which includes a forwarding number to the authorized number or otherwise providing an alternate announcement to an unauthorized number. App. Br. 4-5; Reply Br. 2-3. Appellants additionally argue that there is no motivation to combine Rubin with Gilbert.

Thus, with respect to claims 1 and 4-9, Appellants' contentions present us with two issues: (1) Have Appellants shown that the Examiner erred in finding that Rubin in view of Gilbert teaches determining an authorized number and providing a first announcement which includes a forwarding number to the authorized number or otherwise providing an alternate announcement to an unauthorized number? (2) Have Appellants shown that the Examiner erred in finding motivation to combine Rubin with Gilbert?

Claims 11 and 14-19

Appellants argue on page 6 of the Appeal Brief and page 4 of the Reply Brief that the Examiner's rejection of claims 11 and 14-19 is in error. Claim 11 contains similar limitations as claim 1 and claims 14-19 are dependent upon claim 11. Appellants present many of the same arguments discussed above with respect to claim 1. App. Br. 6; Reply Br. 4. Thus, Appellants' arguments with respect to the Examiner's rejection of claims 11 and 14-19 present us with the same issues as claim 1.

Claims 21 and 23-24

Appellants argue on page 6 of the Appeal Brief and page 4 of the Reply Brief that the Examiner's rejection of claims 21 and 23-24 is in error. Claim 21 contains similar limitations as claim 1 and claims 23-24 are dependent upon claim 21. Appellants present many of the same arguments discussed above with respect to claim 1. App. Br. 6; Reply Br. 4. Thus, Appellants' arguments with respect to the Examiner's rejection of claims 21 and 23-24 present us with the same issues as claim 1.

*Rejection of claims 10 and 20 under 35 U.S.C. § 103(a) as unpatentable
over Rubin in view of Gilbert and Kim*

Claims 10 and 20

Appellants argue on page 7 of the Appeal Brief and pages 4-5 of the Reply Brief that the rejection of claims 10 and 20 is in error. Claims 10 and 20 contain similar limitations and are dependent upon claims 1 and 11 (respectively). Appellants present many of the same arguments discussed above with respect to claims 1 and 11. App. Br. 7; Reply Br. 4-5. Appellants additionally argue that Kim does not teach "that a log is kept for

a disconnected number.” App. Br. 7; Reply Br. 4. Finally, Appellants argue that there is no motivation to combine Rubin with Gilbert and Kim.

Thus, Appellants’ arguments with respect to the Examiner’s rejection of claims 10 and 20 present us with the same issues as claims 1 and 11. Additionally, with respect to claims 10 and 20, Appellants’ contention presents us with two additional issues: (1) Have Appellants shown that the Examiner erred in finding that Kim teaches keeping a log for a disconnected number? (2) Have Appellants shown that the Examiner erred in finding motivation to combining Rubin with Gilbert and Kim?

Rejection of claims 1, 4-11, 14- 21, 23, and 24 under 35 U.S.C. § 103(a) as unpatentable over Dans in view of Gilbert

Claims 1 and 4-10

Appellants argue on pages 4-7 of the Appeal Brief and pages 2-4 of the Reply brief that the Examiner’s rejection of independent claim 1 is in error and therefore the rejection of dependent claims 4-10 and are also in error. Appellants argue that neither Dans nor Gilbert disclose determining an authorized number and providing a first announcement which includes a forwarding number to the authorized number or otherwise providing an alternate announcement to an unauthorized number. App. Br. 4-5; Reply Br. 2-3. Appellants additionally argue that there is no motivation to combine Dans with Gilbert.

Thus, with respect to claims 1 and 4-10, Appellants’ contentions present us with two issues: (1) Have Appellants shown that the Examiner erred in finding that Dans in view of Gilbert teaches determining an authorized number and providing a first announcement which includes a

forwarding number to the authorized number or otherwise providing an alternate announcement to an unauthorized number? (2) Have Appellants shown that the Examiner erred in finding motivation to combine Dans with Gilbert?

Claims 11 and 14-20

Appellants argue on page 6 of the Appeal Brief and page 4 of the Reply Brief that the Examiner's rejection of claims 11 and 14-20 is in error. Claim 11 contains similar limitations as claim 1 and claims 14-20 are dependent upon claim 11. Appellants present many of the same arguments discussed above with respect to claim 1. App. Br. 6; Reply Br. 4. Thus, Appellants' arguments with respect to the Examiner's rejection of claims 11 and 14-20 present us with the same issues as claim 1.

Claims 21 and 24

Appellants argue on page 6 of the Appeal Brief and page 4 of the Reply Brief that the Examiner's rejection of claims 21 and 24 is in error. Claim 21 contains similar limitations as claim 1 and claim 24 is dependent upon claim 21. Appellants present many of the same arguments discussed above with respect to claim 1. App. Br. 6; Reply Br. 4. Thus, Appellants' arguments with respect to the Examiner's rejection of claims 21 and 24 present us with the same issues as claim 1.

FINDINGS OF FACT

Rubin

1. Rubin teaches a system and method wherein a caller can be notified of a party's new number. Col. 1, ll. 60-63.

2. The system comprises a subscriber and a caller, a service switching point (SSP), a service control point (SCP), and a service management system (SMS). When the caller dials the subscriber's old number, the call is routed to the SSP. Col. 2, ll. 64-66, and col. 4, ll. 60-63.
3. The SSP checks the list of changed numbers to determine whether the dialed number is on the list. If there is a match, a trigger is generated. Col. 4, l. 63 through col. 5, l. 1.
4. The SSP then sends the dialed number and a query to a service control point (SCP). The SCP retrieves the dialed number subscriber's record. The subscriber's record will indicate that a message is to be played. Col. 5, ll. 37-54.
5. The SSP is then instructed by the SCP to couple the call to an intelligent processor (IP). A voice message is played that invites the caller to leave a message and informs the caller of the subscriber's new number. Col. 5, ll. 56-65.
6. If the caller does not leave a message, the calling party's number is recorded and made available to the subscriber. Col. 6, ll. 4-6.

Gilbert

7. Gilbert teaches a system and method wherein calling parties are provided a customized message according to a subscriber's instructions. Col. 2, ll. 1-5.
8. When a subscriber's telephone number is called, the caller's number and the subscriber's number are compared to a database. Col. 5, ll. 62-67 and Fig. 3.

9. If the caller's number is located on the subscriber's personal list then a personal greeting is played. If the caller's number is not on the subscriber's personal list, a default greeting is played. Col. 5, l. 67 through col. 6, l. 6 and Fig. 3.

Kim

10. Kim teaches a system that "allows users to set criteria for receiving and processing calls based on CID [caller ID] data." Col. 1, ll. 12 and 54-56.
11. The system contains a database that includes a record log. The record log includes the time of an incoming call, the caller ID information, the category of the incoming call, and the date of the incoming call. Col. 7, ll. 38-43.

Dans

12. Dans teaches a system that informs a caller if a number has been disconnected or changed. Col. 1, ll. 50-52.
13. If a number has been changed, one of the messages that may be played is "The number you are calling has been changed. The new number is [new number.] Please make a note of it." Col. 14, ll. 44-45.
14. If a number has been disconnected, one of the messages that may be played is "We are sorry, the number you dialed has been disconnected. No further information is available." Col. 14, ll. 66-67.

PRINCIPLES OF LAW

Office personnel must rely on Appellant's disclosure to properly determine the meaning of the terms used in the claims. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 980 (Fed. Cir. 1995) (en banc). "[I]nterpreting what is *meant* by a word *in* a claim is not to be confused with adding an extraneous limitation appearing in the specification, which is improper." *In re Cruciferous Sprout Litigation*, 301 F.3d 1343, 1348 (Fed. Cir. 2002) (internal quotation marks and citations omitted; emphasis in original).

On the issue of obviousness, the Supreme Court has stated that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007).

When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. . . . [A] court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions.

Id. at 417. "One of the ways in which a patent's subject matter can be proved obvious is by noting that there existed at the time of the invention a known problem for which there was an obvious solution encompassed by the patent's claims." *Id.* at 419-420.

The Examiner bears the initial burden of presenting a prima facie case of obviousness, and Appellant has the burden of presenting a rebuttal to the prima facie case. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). Appellant has the burden, on appeal to the Board, to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006).

ANALYSIS

*Rejection of claims 1, 4-9, 11, 14-19, 21, 23, and 24 under 35 U.S.C.
§ 103(a) as unpatentable over Rubin in view of Gilbert*

Claims 1 and 4-9

Appellants' arguments have not persuaded us that the Examiner erred in rejecting claims 1 and 4-9. Appellants argue that the following portions of claim 1 are not found in the prior art references of Rubin and Gilbert: "determining, in accordance with at least a portion of the telephone number of the calling party, whether the calling party is authorized to receive a first announcement; providing the first announcement to the calling party if the calling party is authorized by the called party to receive the first announcement, wherein the first announcement comprises a forwarding number of the called party; and providing an alternate announcement if the calling party is not authorized by the called party to receive the first announcement." On the other hand, the Examiner has found evidence to support a finding that these limitations are met through the combination of Rubin with Gilbert. Ans. 3-6. We agree with the Examiner.

Rubin discloses a system and method wherein a caller calls a number that has been changed. FF 1. When this occurs, a voice message is played to the caller to inform the caller of the change and to provide the new number. FF 5. This message is equivalent to the first announcement comprising the forwarding number of the called party.

Gilbert teaches a system and method wherein the called party can arrange to have different messages played based upon the calling party's number. FF 7, 9. If the calling party's number is in the subscriber's personal list, the system will play a personal greeting. FF 9. Therefore, the subscriber's personal list indicates whether the calling party is authorized to receive the first announcement. If the calling party's number is not in the subscriber's personal list, the system will play the subscriber's default greeting. FF 9. The default greeting is therefore the alternate announcement that is played when the calling party is not authorized to receive the personal greeting.

Neither Rubin nor Gilbert, individually, teaches all of the limitations of claim 1. However, when Rubin's first announcement comprising the forwarding number of the called party is substituted with Gilbert's personal greeting that is played when the calling party's number is found on the subscriber's personal list, all of the claim limitations of claim 1 are met.

Appellants further argue that there is no motivation to combine Rubin with Gilbert. App. Br. 6-7. However, in *KSR*, the Supreme Court decided that a teaching, suggestion, or motivation to combine the references was not required. *KSR*, 550 U.S. at 419. The Court characterized the TSM test merely as "helpful insight." *Id.* at 419. In *KSR*, the Supreme Court stated that "[t]he combination of familiar elements according to known methods is

likely to be obvious when it does no more than yield predictable results.”
KSR, 550 U.S. at 416. The combination of Rubin with Gilbert yields predictable results.

Both references disclose providing a message to a calling party based upon an event. Therefore, we consider using Rubin’s first announcement comprising the forwarding number of the called party with Gilbert’s personal greeting that is played when the calling party’s number is found on the subscriber’s personal list to be nothing more than using a known device to perform its known function. As such, the combination is obvious.

Even if the TSM test were still required, the Examiner has provided motivation to combine the references. Ans. 5. The Examiner stated, on page 5 of the Answer, that the combination would “screen callers that are authorized to receive the forwarding/new telephone number of the called party and to provide a different announcement if the calling party is not authorized to receive the first announcement.” Appellants’ argument, that there is no motivation within the references to combine them, has not identified an error in the Examiner’s reasoning as to why the skilled artisan would combine the teachings. In the absence of such argument and evidence, the Examiner’s finding that a skilled artisan would combine the references is sufficient.

Accordingly, Appellants’ arguments have not persuaded us of error in the Examiner’s rejection of claim 1 or of claims 4-9 which depend upon claim 1.

Claims 11 and 14-19

Appellants' arguments have not persuaded us of error in the Examiner's rejection of claims 11 and 14-19. Claim 11 contains similar limitations to claim 1 and claims 14-19 are dependent upon claim 11. Appellants' arguments present the same issues discussed with respect to claim 1. App. Br. 6; Reply Br. 4. Therefore, we sustain the Examiner's rejection of claims 11 and 14-19 for the reasons discussed *supra* with respect to claim 1.

Claims 21 and 23-24

Appellants' arguments have not persuaded us of error in the Examiner's rejection of claims 21 and 23-24. Claim 21 contains similar limitations to claim 1 and claims 23-24 are dependent upon claim 21. Appellants' arguments present the same issues discussed with respect to claim 1. App. Br. 6; Reply Br. 4. Therefore, we sustain the Examiner's rejection of claims 21 and 23-24 for the reasons discussed *supra* with respect to claim 1.

*Rejection of claims 10 and 20 under 35 U.S.C. § 103(a) as unpatentable
over Rubin in view of Gilbert and Kim*

Claims 10 and 20

Appellants' arguments have not persuaded us of error in the Examiner's rejection of claims 10 and 20. Claim 10 is dependent upon claim 1 and claim 20 is dependent upon claim 11. Appellants present similar arguments for claims 10 and 20 as for claims 1 and 11 (respectively). App. Br. 7; Reply Br. 4. As discussed above, the arguments with respect to claims 1 and 11 are not found to be persuasive and therefore the similar

arguments presented with respect to claims 10 and 20 are also not found to be persuasive of error. However, both claims 10 and 20 contain a similar, additional limitation not found in claims 1 or 11. The additional limitation requires a call log of the disconnected telephone number to be provided to the called party. The Examiner has found that Kim teaches a record log that is the same as the claimed call log. Ans. 6. Appellants argue that none of the references teach “that a log is kept for a disconnected number.” App. Br. 7; Reply Br. 4. We agree with the Examiner.

Kim teaches a database that includes a record log. FF 11. The record log includes information such as caller-ID information, the time of an incoming call, the date of an incoming call, and the category of an incoming call. FF 11. We find this sufficient evidence to support the Examiner’s finding that Kim teaches a call log. In addition, Rubin discloses a system that supplies a forwarding number to a calling party when the called party’s number has changed and if a caller does not leave a message the calling party’s number is recorded and made available to a subscriber. FF 5, 6. Therefore, the combination of Rubin with Gilbert and Kim contain all of the limitations of claims 10 and 20.

Appellants additionally argue that there is no motivation to combine Kim with Rubin and Gilbert. App. Br. 7; Reply Br. 5. However, as noted above, all that is required is that “[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR*, 550 U.S. at 416. The combination of Rubin with Gilbert and Kim yields predictable results.

All of the references relate to a communications network. Therefore, we consider using Rubin’s first announcement comprising the forwarding

number of the called party with Gilbert's personal greeting that is played when the calling party's number is found on the subscriber's personal list and Kim's record log to be nothing more than using a known device to perform its known function. As such, the combination is obvious.

Even if the TSM test were still required, the Examiner has provided a motivation to combine the references. Ans. 5. The Examiner stated, on page 6 of the Answer, that the combination would keep "the customer informed, and [the call logs] may also be used for billing [purposes]." Appellants' argument, that there is no motivation within the references to combine them, has not addressed an error in the Examiner's reasoning as to why the skilled artisan would combine the teachings. In the absence of such argument and evidence, the Examiner's finding that a skilled artisan would combine the references is sufficient.

Accordingly, Appellants' arguments have not persuaded us of error in the Examiner's rejection of claims 10 and 20.

Rejection of claims 1, 4-11, 14-21, 23, and 24 under 35 U.S.C. § 103(a) as unpatentable over Dans in view of Gilbert

Claims 1 and 4-10

Appellants' arguments have not persuaded us that the Examiner erred in rejecting claims 1 and 4-10. Appellants argue that the following portions of claim 1 are not found in the prior art references of Dans and Gilbert: "determining, in accordance with at least a portion of the telephone number of the calling party, whether the calling party is authorized to receive a first announcement; providing the first announcement to the calling party if the calling party is authorized by the called party to receive the first

announcement, wherein the first announcement comprises a forwarding number of the called party; and providing an alternate announcement if the calling party is not authorized by the called party to receive the first announcement.” On the other hand, the Examiner has found evidence to support that these limitations are met through the combination of Dans with Gilbert. Ans. 7-8. We agree with the Examiner.

Dans teaches a system that “inform[s] callers if a number they have dialed has been changed or disconnected.” FF 12. If the number has been changed, the following announcement is heard: “The number you are calling has been changed. The new number is [new number]. Please make a note of it.” FF 13. This message is equivalent to the first announcement comprising the forwarding number of the called party. If the number has been disconnected, the following announcement is heard: “We are sorry, the number you dialed has been disconnected. No further information is available.” FF 14. This message is equivalent to the alternate announcement, as claimed.

Gilbert teaches a system and method wherein the called party can arrange to have different messages played based upon the calling party’s number. FF 7, 9. If the calling party’s number is in the subscriber’s personal list, the system will play a personal greeting. FF 9. Therefore, the subscriber’s personal list indicates whether the calling party is authorized to receive the first announcement. If the calling party’s number is not in the subscriber’s personal list, the system will play the subscriber’s default greeting. FF 9. The default greeting is therefore the alternate announcement that is played when the calling party is not authorized to receive the personal greeting.

Individually neither Dans nor Gilbert teaches all of the limitations of claim 1. However, when Dans's first announcement comprising the forwarding number of the called party is substituted with Gilbert's personal greeting that is played when the calling party's number is found on the subscriber's personal list and Dans's alternate announcement comprising no further information is substituted with Gilbert's default greeting that is played when the calling party's number is not found on the subscriber's personal list, all of the limitations of claim 1 have been met.

Appellants further argue that there is no motivation to combine Dans with Gilbert. App. Br. 6-7. However, as noted above, all that is required is that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR*, 550 U.S. at 416. The combination of Dans with Gilbert yields predictable results.

Both references disclose providing a message to a calling party based upon an event. Therefore, we consider using Dans's first announcement comprising the forwarding number of the called party with Gilbert's personal greeting that is played when the calling party's number is found on the subscriber's personal list and Dans's alternate announcement comprising no further information with Gilbert's default greeting that is played when the calling party's number is not found on the subscriber's personal list to be nothing more than using a known device to perform its known function. As such, the combination is obvious.

Even if the TSM test were still required, the Examiner has provided a motivation to combine the references. Ans. 5. The Examiner stated, on page 8 of the Answer, that the combination would allow users "to share their

new telephone number with only selected callers.” Appellants’ argument, that there is no motivation within the references to combine them, has not identified an error in the Examiner’s reasoning as to why the skilled artisan would combine the teachings. In the absence of such argument and evidence, the Examiner’s finding that a skilled artisan would combine the references is sufficient.

Accordingly, Appellants’ arguments have not persuaded us of error in the Examiner’s rejection of claim 1 or of claims 4-10 which depend upon claim 1.

Claims 11 and 14-20

Appellants’ arguments have not persuaded us of error in the Examiner’s rejection of claims 11 and 14-20. Claim 11 contains similar limitations to claim 1 and claims 14-20 are dependent upon claim 11. Appellants’ arguments present the same issues discussed with respect to claim 1. App. Br. 6; Reply Br. 4. Therefore, we sustain the Examiner’s rejection of claims 11 and 14-20 for the reasons discussed *supra* with respect to claim 1.

Claims 21, 23, and 24

Appellants’ arguments have not persuaded us of error in the Examiner’s rejection of claims 21, 23, and 24. Claim 21 contains similar limitations to claim 1 and claims 23 and 24 are dependent upon claim 21. Appellants’ arguments present the same issues discussed with respect to claim 1. App. Br. 6; Reply Br. 4. Therefore, we sustain the Examiner’s rejection of claims 21, 23, and 24 for the reasons discussed *supra* with respect to claim 1.

CONCLUSIONS OF LAW

Appellants have not shown that the Examiner erred in finding that Rubin in view of Gilbert teaches determining an authorized number and providing a first announcement which includes a forwarding number to the authorized number or otherwise providing an alternate announcement to an unauthorized number.

Appellants have not shown that the Examiner erred in finding motivation to combine Rubin with Gilbert.

Appellants have not shown that the Examiner erred in finding that Kim teaches keeping a log for a disconnected number.

Appellants have not shown that the Examiner erred in finding motivation to combine Rubin with Gilbert and Kim.

Appellants have not shown that the Examiner erred in finding that Dans in view of Gilbert teaches determining an authorized number and providing a first announcement which includes a forwarding number to the authorized number or otherwise providing an alternate announcement to an unauthorized number.

Appellants have not shown that the Examiner erred in finding motivation to combine Dans with Gilbert.

Appeal 2009-002,247
Application 10/027,224

SUMMARY

The decision of the Examiner to reject claims 1, 4-11, 14-21, and 23-24 is affirmed.

No period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

ELD

AT & T LEGAL DEPARTMENT - BHGL
ATTN: PATENT DOCKETING ROOM 2A-207
ONE AT&T WAY
BEDMINSTER, NJ 07921